***Election and Response to Restriction***

In the Amendment filed by Applicants on November 4, 2005, Applicants traversed the restriction requirement in the Office Action dated October 4, 2005, and provisionally elected Group I, making the response complete under 37 C.F.R. § 1.143 and MPEP § 818.03. Applicants submitted that Groups I and II should be examined together because Groups I and II, though independent and distinct, can be examined together without serious burden to the Examiner. In the present Action, the Examiner disagrees with Applicants' reasoning but has not withdrawn Group II from consideration, addressed claims 35-46, or made the restriction requirement final.

Applicants do not wish to place an undue burden on the Examiner. However, Applicants believe that the interests of the Patent Office, the Examiner, and Applicants would be better served by examining Groups I and II together, along with claims 35-46. Therefore, Applicants again provisionally elect Group I (including claims 35-46) but respectfully traverse the restriction between Groups I and II for the following reasons.

The Examiner asserts in the present Action that "having to examine two different inventions together is a serious burden upon the Examiner." Applicants respectfully disagree that examining two different inventions together, without more, places a serious burden on the Examiner. The MPEP states, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." [MPEP § 803.] Thus, in some cases different inventions should be examined together *even when the inventions are separate and distinct.*

A "serious burden" does not necessarily occur when separate inventions are examined together. Instead, for restriction to be proper, the Examiner must show "serious burden" "*by appropriate explanation* of separate classification, or separate status in the art, or a different field of search." [*See* MPEP § 803 (emphasis added).] Groups I and II are not separately classified. The Examiner has pointed out that Groups I and II have different language in their respective independent claims. However, pointing out differences in claim language, without more, is not an "appropriate explanation" of separate status in the art or different fields of search.

The Examiner quotes MPEP § 808.02, which states in part, "Where it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists,

a different field of search is shown, even though the two are classified together." Applicants respectfully submit that while Groups I and II are patentably distinct, the common ground of the two claims places them in the same field of search. For example, independent claims 1 and 6 both recite in part, "In a computer system, a method of representing video data for a video image, the method comprising: representing chroma and luma information for a pixel in the video image in an n-bit representation, the n-bit representation comprising a 16-bit fixed-point block of data for the pixel, where the most-significant byte in the 16-bit unit of data is an integer component, where the least significant byte in the 16-bit unit of data is a fractional component, and where the n-bit representation is convertible . . . ." There would be no serious burden on the Examiner in examining Groups I and II together because searches on the groups would be co-extensive, considering the identical classifications of the groups and the language common to the independent claims in each group. The Examiner has not shown a need to search in different places for the "pertinent art" for Groups I and II.

Subject to the foregoing traverse, Applicant provisionally elects group I, which should include claims 35-46.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By _____
Stephen A. Wight
Registration No. 37,759